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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,017	10/08/2003	Andrey Lelikov	MSFT-2781/305438.1	6227
41505 7590 11/26/2007 WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION) CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET PHILADELPHIA, PA 19104-2891			EXAMINER OKORONKWO, CHINWENDU C	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 11/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/681,017

Applicant(s)

LELIKOV ET AL.

Examiner

Chinwendu C. Okoronkwo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 17-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments/Remarks***

1. In response to communications filed on 08/30/2007, withdraws claims 7-16. The following claims, claims -1-6 and 17-23, are presented for examination.

1.1 Applicant's arguments, pages 8-10, with respect to the rejection of claims 1-6 and 17-23 have been fully considered but they are not persuasive.

1.2 In response to Applicant argument that the Crossley and Wyman references do not teach or suggest proxy-execution of one program process on behalf of another, the Examiner respectfully disagrees citing column 4 lines 29-67, specifically lines 56-59 and 29-35 of Crossley which disclose server.resources manager computer system and which receives requests for programs and processes the request and the remote system then loads the program, providing access for the user to use the program – the definition of what proxy-execution is. The Examiner maintains the rejection.

1.3 In response to Applicant argument that the Crossley and Wyman references do not teach or suggest granting of a digital license for the program to operate, the Examiner respectfully disagrees citing column 4 lines 60-67 and column 5 lines 1 of Crossley which discloses allowing only properly licensed uses to operate the program over the network (through the proxy system). The Examiner maintains the rejection.

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1.4 In response to Applicant argument that the Crossley and Wyman references do not teach or suggest a first process being dependent on and cannot be operated without the second process, the Examiner respectfully disagrees citing column 5 lines 8-15 which discloses the "hypervisor" process that is required to start before any remote users can start using application programs. The Examiner maintains the rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-6 and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crossley et al. (US Patent No. 4,780,821) and further in view of Wyman et al. (US Patent No. 5,204,897).

Regarding claim 1, Crossley et al., discloses a computer having thereon: a first process operating on the computer comprising code to be executed in connection therewith, the code including at least one triggering device (col. 3 lines 28-33 of Crossley); and a second process operating on the computer for proxy-executing code corresponding to each triggering device of the first process on behalf of such first process, the second process including a license evaluator

for evaluating the license to determine whether the first process is to be operated in accordance with the terms and conditions set forth in such license, the second process choosing whether to in fact proxy-execute the code corresponding to each triggering device of the first process on behalf of such first process based at least in part on whether the license evaluator has determined that the first process is to be operated in accordance with the terms and conditions of the license, whereby the first process is dependent upon the second process for operation thereof (col. 4 lines 29-54 of Crossley).

Crossley et al. is silent in disclosing a digital license corresponding to the first process, the license setting forth terms and conditions for operating the first process (col. 7 lines 2-66 of Wyman).

It would have been obvious to one of ordinary skill in the art to combine the method for multiple programs management of Crossley with the management interface for license management of Wyman. Crossley recites motivation for this combination in the recitation, "the subject invention was conceived as a result of having a large number of computer software application programs which were designed to execute in a single user environment and needed to migrate to a multi-user/multi-tasking operating environment." Wyman further provides benefit for acting upon the above cited motivation for the combination of these two inventions in the recitation, "that the license administration may be delegated to a

subsection of the organization, by creating another license management facility duplicating the main facility.” This distribution of the workload would benefit the Crossley invention in that it would allow the invention to more efficiently meet the recited objective and goal.

Regarding claim 2, Crossley et al., discloses the computer of claim 1 wherein the first process is an application and the second process a rights client (col. 3 lines 39-56 of Crossley).

Regarding claim 3, Crossley et al., discloses the computer of claim 1 further comprising a table available to the second process, the table including the code corresponding to each triggering device of the first process and an address of the triggering device in the first process (col. 3 lines 59-67 and col. 4 lines 1-17 of Crossley).

Regarding claim 4, Crossley et al., discloses the computer of claim 3 wherein the table is set forth in the license (col. 4 lines 59-67 and col. 5 lines 1-18 of Crossley).

Regarding claim 5, Crossley et al., is silent disclosing the computer of claim 4 wherein the code corresponding to each triggering device of the first process is

encrypted within the table and is decryptable according to a decryption key obtainable by the second process (col. 14 lines 26-59 of Wyman).

It would have been obvious to one of ordinary skill in the art to combine the method for multiple programs management of Crossley with the management interface for license management of Wyman. Crossley recites motivation for this combination in the recitation, "the subject invention was conceived as a result of having a large number of computer software application programs which were designed to execute in a single user environment and needed to migrate to a multi-user/multi-tasking operating environment." Wyman further provides benefit for acting upon the above cited motivation for the combination of these two inventions in the recitation, "that the license administration may be delegated to a subsection of the organization, by creating another license management facility duplicating the main facility." This distribution of the workload would benefit the Crossley invention in that it would allow the invention to more efficiently meet the recited objective and goal.

Regarding claim 6, Crossley et al., is silent in disclosing the computer of claim 5 wherein the license includes the decryption key encrypted in a manner decryptable by the second process (col. 14 lines 26-59 of Wyman).

It would have been obvious to one of ordinary skill in the art to combine the method for multiple programs management of Crossley with the management interface for license management of Wyman. Crossley recites motivation for this combination in the recitation, "the subject invention was conceived as a result of having a large number of computer software application programs which were designed to execute in a single user environment and needed to migrate to a multi-user/multi-tasking operating environment." Wyman further provides benefit for acting upon the above cited motivation for the combination of these two inventions in the recitation, "that the license administration may be delegated to a subsection of the organization, by creating another license management facility duplicating the main facility." This distribution of the workload would benefit the Crossley invention in that it would allow the invention to more efficiently meet the recited objective and goal.

Regarding claim 17, Crossley et al., discloses a method in combination with a computer having a first process operating thereon and comprising code to be executed in connection therewith, the code including at least one triggering device, and a table including a code section corresponding to each triggering device of the first process and an address of the triggering device in the first process, the method for a second process operating on the computer to proxy-execute code corresponding to each triggering device of the first process on



behalf of such first process, the method comprising: the second process monitoring for when the first process executes a triggering device thereof; the first process executing a triggering device and halting; the second process noting the triggering device being executed by the first process and responding thereto by: determining an address of the triggering device within the first process; locating in the table the code section corresponding to the triggering device based on the determined address; proxy-executing the located code section on behalf of the first process; and signaling to the first process that the triggering device has been dealt with; and the first process then resuming, whereby the first process is dependent upon the second process for operation thereof (col. 3 lines 28-33 and col. 4 lines 29-54 of Crossley).

Regarding claim 18, Crossley et al., discloses the method of claim 17 wherein the computer further includes a digital license corresponding to the first process, the license setting forth terms and conditions for operating the first process, the method further comprising the second process evaluating the license and verifying that the first process is operating in accordance with the terms and conditions set forth in such license prior to proxy-executing the located code section on behalf of the first process (col. 3 lines 39-56 of Crossley).

Regarding claim 19, Crossley et al., discloses the method of claim 17 wherein the located code section is encrypted, the method further comprising the second

process decrypting the located code section before proxy-executing same (col. 14 lines 26-59 of Wyman).

It would have been obvious to one of ordinary skill in the art to combine the method for multiple programs management of Crossley with the management interface for license management of Wyman. Crossley recites motivation for this combination in the recitation, "the subject invention was conceived as a result of having a large number of computer software application programs which were designed to execute in a single user environment and needed to migrate to a multi-user/multi-tasking operating environment." Wyman further provides benefit for acting upon the above cited motivation for the combination of these two inventions in the recitation, "that the license administration may be delegated to a subsection of the organization, by creating another license management facility duplicating the main facility." This distribution of the workload would benefit the Crossley invention in that it would allow the invention to more efficiently meet the recited objective and goal.

Regarding claim 20, Crossley et al., discloses the method of claim 17 wherein each triggering device is a particular exception and comprising the second process monitoring for when the first process executes the particular exception (col. 3 lines 59-67 and col. 4 lines 1-17 of Crossley).

Regarding claim 21, Crossley et al., discloses the method of claim 20 further comprising the second process attaching to the first process so as to monitor the first process for the particular exception directly (col. 3 lines 28-33 and col. 4 lines 29-54 of Crossley).

Regarding claim 22, Crossley et al., discloses the method of claim 17 wherein each triggering device is one of a plurality of types of exceptions and comprising the second process monitoring for when the first process executes any of the types of exceptions, the second process responding to each type of exception in a differing manner (col. 3 lines 28-33 and col. 4 lines 29-54 of Crossley).

Regarding claim 23, Crossley et al., discloses the method of claim 17 wherein the computer further includes a digital license corresponding to the first process, the license setting forth terms and conditions for operating the first process, and wherein the second process proxy-executing the located code section on behalf of the first process comprises the second process securely retrieving a term or condition from the license and employing same on behalf of the first process (col. 3 lines 28-33 and col. 4 lines 29-54 of Crossley).

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chinwendu C. Okoronkwo whose telephone number is (571) 272 2662. The examiner can normally be reached on MWF 9:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571) 272 4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

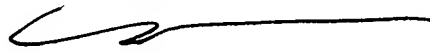
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
CCO

November 20, 2007

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11/21/07